

PATENT
38-21(10629)A

**APPLICATION FOR UNITED STATES PATENT
DECLARATION * POWER OF ATTORNEY * PETITION**

AS A BELOW-NAMED INVENTOR, I hereby declare that:

MY RESIDENCE, citizenship, and post office address are as stated below,
next to my name.

I BELIEVE I am:

1. ☐ The original, first and sole inventor,
2. ☒ an original, first and joint inventor,
of the subject matter which is claimed and for which a patent is sought on
the invention entitled:
3. INSECT RESISTANT PLANTS
the specification of which, with any Preliminary Amendments,
4. ☒ is attached hereto
5. ☐ was filed on
5(a) as Application Serial No:
6. ☐ including Amendment(s) filed on
7. ☒ together with any Amendment(s) filed herewith.

I HEREBY STATE that I have reviewed and understand the contents
of the above-identified specifications, including the Claims, as amended by
any Amendment(s) referred to above.

I ACKNOWLEDGE my Duty to Disclose information of which I am
aware which is material to the Examination of this Application in
accordance with Title 37, Code of Federal Regulations, §1.56(a) including
any such information which occurred between the filing date of any prior
application listed below for which the benefit of Title 35, United States Code
§120 is claimed and the filing date of this Application.

I HEREBY STATE that the subject matter which is claimed in any
Amendment(s) referred to above was part of my or our invention and was
invented before the filing of this Application.

101630-2694660

BENEFIT OF EARLIER FILING DATE

THIS APPLICATION in whole or in part discloses and claims subject matter disclosed in and I hereby claim the benefit under title 35, United States Code, §120 of any of my or our prior United States Applications(s) listed below:

	<u>SERIAL NO.</u>	<u>FILING DATE</u>	<u>STATUS</u>
8.	07/044,081	04/29/81	Abandoned
	07/523,284	05/14/90	Pending

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or Inventor's Certificate(s) listed below:

	<u>NUMBER</u>	<u>COUNTRY</u>	<u>FILING DATE</u>
9.			

Any foreign application(s) for patent or Inventor's Certificate(s) filed by me or us which claims or discloses all or any part of the subject matter claimed in this Application and which has a filing date before that of the above-listed application(s) on which foreign priority is claimed is identified below:

	<u>NUMBER</u>	<u>COUNTRY</u>	<u>FILING DATE</u>
10.			

AS TO ANY subject matter which is claimed in this Application which is not common to any above-identified prior application(s) for which the benefit of 35 U.S.C. §119 or §120 is claimed, I do not know and do not believe that the same was ever known or used in the United States before my or our invention or discovery thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this Application, or in public use or on sale in the United States more than one year prior to the date of this Application, that said subject matter has not been patented or made the subject of an Inventor's Certificate issued before the date of this Application filed by me or my legal representatives or assigns more than twelve months prior to this Application.

AS TO ANY subject matter which is claimed in this Application which is common to any above-identified prior applications(s) for which the benefit of 35 U.S.C. §120 is claimed, I do not know and believe that the same was ever known or used in the United States before my or our invention or discovery thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the earliest of said prior application(s) to which said subject matter is common, or in public use or on sale in the United States more than one year prior to the earliest of said prior application(s) to which said subject matter is common, that said subject matter has not been patented or made the subject of an Inventor's Certificate issued before the date of the earliest of said prior application(s) to which said subject matter is common in any country foreign to the United States on an application filed by me or my

0943699-083101

legal representatives or assigns more than twelve months prior to the earliest of said prior applications(s) to which said subject matter is common.

11. ☐ ALL APPLICATION(S), if any, for patent or Inventor's Certificate on any part of said subject claimed in this Application filed by me or my representatives or assigns in any country foreign to the United States of America in addition to any listed above on which priority is claimed are listed in Annex A, attached hereto.

I HEREBY appoint the following as my attorney(s) and/or agent(s) of record with full power of substitution and revocation to prosecute this Application and to transact all business in the Patent and Trademark Office connected therewith.

12. Dennis R. Hoerner Reg. No. 30,914
 Lawrence M. Lavin, Jr. Reg. No. 30,768
 James C. Bolding Reg. No. 26,843

ALL correspondence/telephone calls in connection with this Application should be directed to:

13. Lawrence M. Lavin, Jr.
 Monsanto Company - BB4F
 700 Chesterfield Village Parkway
 St. Louis, Missouri 63198

- 13(a). Telephone Number: (314) 537-6670

I FURTHER declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

WHEREFORE, I PRAY that Letters Patent be granted to me solely or jointly with the additional inventor(s) (if any) named below for the invention described and claimed in the above-identified specification and claims, and I hereby subscribe my name to the above-identified specification and claims, Declaration, Power of Attorney and this Petition.

TO: "88" 269E4660

14(a). **SOLE or FIRST JOINT INVENTOR,**
first name: David A. Fischhoff

RESIDENCE (State/Country) Missouri/U.S.A.

CITIZENSHIP: U.S.A.

POST OFFICE ADDRESS: 216 Hawthorne Avenue
Webster Groves, Missouri 63119

INVENTOR'S SIGNATURE
DATE: David A. Fischhoff
May 27, 1993

14(b). **SECOND JOINT INVENTOR,**
(if any) full name: Roy L. Fuchs

RESIDENCE (State/Country) Missouri/ U.S.A.

CITIZENSHIP: U.S.A.

POST OFFICE ADDRESS: 917 Weatherstone Drive
St. Charles, Missouri 63304

INVENTOR'S SIGNATURE
DATE: Roy L. Fuchs
May 27, 1993

14(c) **THIRD JOINT INVENTOR,**
(if any) full name: Paul B. Lavrik

RESIDENCE (State/Country) Missouri, U.S.A.

CITIZENSHIP: U.S.A.

POST OFFICE ADDRESS: 1200 Forest Avenue
Kirkwood, Missouri 63122

INVENTOR'S SIGNATURE
DATE: Paul B. Lavrik
May 27, 1993

14(d) **FOURTH JOINT INVENTOR,**
(if any) full name: Sylvia A. McPherson

RESIDENCE (State/Country) Missouri, U.S.A.

CITIZENSHIP: U.S.A.

POST OFFICE ADDRESS: 4813 Shady Waters Lane
Birmingham, Alabama 35243

INVENTOR'S SIGNATURE
DATE: Sylvia A. McPherson
June 1, 1993

401630-259E-4660

14(e)

FIFTH JOINT INVENTOR,
(if any) full name:

Frederick J. Perlak

RESIDENCE (State/Country)

Missouri, U.S.A.

CITIZENSHIP:

U.S.A.

POST OFFICE ADDRESS:

11035 Crimson Drive
St. Louis, Missouri 63146

INVENTOR'S SIGNATURE
DATE:

Frederick J. Perlak
May 27 1993

004369-0110

APPLICATION FOR UNITED STATES PATENT
DECLARATION * POWER OF ATTORNEY * PETITION

AS A BELOW-NAMED INVENTOR, I hereby declare that:

MY RESIDENCE, citizenship, and post office address are as stated below, next to my name.

I BELIEVE I am:

1. ☐ the original, first and sole inventor,
2. ☒ an original, first and joint inventor,
of the subject matter which is claimed and for which a patent is sought on the invention entitled
3. Insect-Resistant Plants
the specification of which, with any Preliminary Amendment,
4. ☒ is attached hereto
5. ☐ was filed on _____ (date)
5(a). as Application Serial No. _____
6. ☐ including Amendment(s) filed on _____ (date)
and _____ (date)
7. ☐ together with any Amendment(s) filed herewith.

I HEREBY STATE that I have reviewed and understand the contents of the above-identified Specification, including the Claims, as amended by any Amendment(s) referred to above.

I ACKNOWLEDGE my Duty to Disclose information of which I am aware which is material to the Examination of this Application in accordance with Title 37, Code of Federal Regulations, §1.56(a) including any such information which occurred between the filing date of any prior application listed below for which the benefit of Title 35, United States Code §120 is claimed and the filing date of this Application.

I HEREBY STATE that the subject matter which is claimed in any Amendment(s) referred to above was part of my or our invention and was invented before the filing of this Application.

0943693 083101

BENEFIT OF EARLIER FILING DATE

THIS APPLICATION in whole or in part discloses and claims subject matter disclosed in and I hereby claim the benefit under Title 35, United States Code, §120 of any of my or our prior United States application(s) listed below:

	<u>SERIAL NO.</u>	<u>FILING DATE</u>	<u>STATUS</u>
8.	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or Inventor's Certificate(s) listed below:

	<u>NUMBER</u>	<u>COUNTRY</u>	<u>FILING DATE</u>
9.	_____	_____	_____

Any foreign application(s) for patent or Inventor's Certificate(s) filed by me or us which claims or discloses all or any part of the subject matter claimed in this Application and which has a filing date before that of the above-listed application(s) on which foreign priority is claimed is identified below:

	<u>NUMBER</u>	<u>COUNTRY</u>	<u>FILING DATE</u>
10.	_____	_____	_____

AS TO ANY subject matter which is claimed in this Application which is not common to any above-identified prior application(s) for which the benefit of 35 USC §119 or §120 is claimed, I do not know and do not believe that the same was ever known or used in the United States before my or our invention or discovery thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this Application, or in public use or on sale in the United States more than one year prior to the date of this Application, that said subject matter has not been patented or made the subject of an Inventor's Certificate issued before the date of this Application in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months prior to this Application.

AS TO ANY subject matter which is claimed in this Application which is common to any above-identified prior application(s) for which the benefit of 35 USC §120 is claimed, I do not know and believe that the same was ever known or used in the United States before my or our invention or discovery thereof, or patented or

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described in any printed publication in any country before my or our invention thereof or more than one year prior to the earliest of said prior application(s) to which said subject matter is common, or in public use or on sale in the United States more than one year prior to the earliest of said prior application(s) to which said subject matter is common, that said subject matter has not been patented or made the subject of an Inventor's Certificate issued before the date of the earliest of said prior application(s) to which said subject matter is common in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months prior to the earliest of said prior application(s) to which said subject matter is common.

11. [] ALL APPLICATION(S), if any, for patent or Inventor's Certificate on any part of said subject claimed in this Application filed by me or my representatives or assigns in any country foreign to the United States of America in addition to any listed above on which priority is claimed are listed in Annex A, attached hereto.

I HEREBY appoint the following as my attorney(s) and/or agent(s) of record with full power of substitution and revocation to prosecute this Application and to transact all business in the Patent and Trademark Office connected therewith.

- | | | |
|-----|-------------------------------|------------------------|
| 12. | <u>Dennis R. Hoerner, Jr.</u> | <u>Reg. No. 30,914</u> |
| | <u>Larry R. Swaney</u> | <u>Reg. No. 25,708</u> |
| | <u>James W. Williams, Jr.</u> | <u>Reg. No. 21,161</u> |
| | <u>Arnold H. Cole</u> | <u>Reg. No. 18,128</u> |

ALL correspondence/telephone calls in connection with this Application should be directed to:

13. Dennis R. Hoerner, Jr., Monsanto Company - BB4F
700 Chesterfield Village Parkway, St. Louis, Missouri 63198
- 13(a). Telephone Number: (314) 537-6099.

I FURTHER declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

WHEREFORE, I PRAY that Letters Patent be granted to me solely or jointly with the additional inventor(s) (if any) named below for the invention described and claimed in the above-identified specification and claims, and I hereby subscribe my name to the above-identified specification and claims, Declaration, Power of Attorney and this Petition.

14(a). SOLE or FIRST JOINT INVENTOR,
full name: David A. Fischhoff

RESIDENCE (State/Country): Missouri/USA

CITIZENSHIP: U.S.A.

POST OFFICE ADDRESS: 28 N. Maple
Webster Groves, Missouri 63119

INVENTOR'S SIGNATURE: → David A. Fischhoff

DATE: 4-28-87

14(b). SECOND JOINT INVENTOR (if
any), full name: Roy L. Fuchs

RESIDENCE (State/Country): Missouri/USA

CITIZENSHIP: U.S.A.

POST OFFICE ADDRESS: 11 Courtway Place
Ballwin, Missouri 63011

INVENTOR'S SIGNATURE: → Roy L. Fuchs

DATE: 4-28-87

14(c). THIRD JOINT INVENTOR (if
any), full name: Paul B. Lavrik

RESIDENCE (State/Country): Missouri/USA

CITIZENSHIP: U.S.A.

POST OFFICE ADDRESS: 1200 Forest Avenue
Kirkwood, Missouri 63122

INVENTOR'S SIGNATURE: → Paul B. Lavrik

DATE: 4/28/87

14(d). FOURTH JOINT INVENTOR (if
any), full name: Sylvia A. McPherson

RESIDENCE (State/Country): Missouri/USA

CITIZENSHIP: U.S.A.

POST OFFICE ADDRESS: 2301 Divot Drive
St. Louis, Missouri 63131

INVENTOR'S SIGNATURE: → _____

DATE: _____

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WHEREFORE, I PRAY that Letters Patent be granted to me solely or jointly with the additional inventor(s) (if any) named below for the invention described and claimed in the above-identified specification and claims, and I hereby subscribe my name to the above-identified specification and claims, Declaration, Power of Attorney and this Petition.

14(). SOLE or FIRST JOINT INVENTOR,
full name:

Frederick J. Perlak

RESIDENCE (State/Country):

Missouri/USA

CITIZENSHIP:

U.S.A.

POST OFFICE ADDRESS:

11035 Crimson Drive

St. Louis, Missouri 63146

INVENTOR'S SIGNATURE:→

Frederick J. Perlak

DATE:

4/28/87

14(). SECOND JOINT INVENTOR (if
any), full name:

RESIDENCE (State/Country):

CITIZENSHIP:

POST OFFICE ADDRESS:

INVENTOR'S SIGNATURE:→

DATE:

14(). THIRD JOINT INVENTOR (if
any), full name:

RESIDENCE (State/Country)

CITIZENSHIP:

POST OFFICE ADDRESS:

INVENTOR'S SIGNATURE: →

DATE:

14(). FOURTH JOINT INVENTOR (if
any), full name:

RESIDENCE (State/Country)

CITIZENSHIP:

POST OFFICE ADDRESS:

INVENTOR'S SIGNATURE: →

DATE:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

D.A. Fischhoff et al.

Serial No.: 09/027,998

Filed: February 23, 1998

For: INSECT RESISTANT PLANTS

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§
§
§
§
§
§

Group Art Unit: 1649

Examiner: Amy Nelson

Atty. Docket No.: MOBT:195/RAN
11899/0195.CNSU00

CORRESPONDENCE ADDRESS
ELECTION UNDER 37 C.F.R. §§ 3.71 and 3.73
AND POWER OF ATTORNEY

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Please direct all communications as follows:

M. Todd Rands
HOWREY SIMON ARNOLD & WHITE, LLP
750 Bering Drive
Houston, Texas 77057
(713) 787-1400

The undersigned, being Assignee of the entire interest in the above-identified application by virtue of an Assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor(s).

The Assignee hereby revokes any previous Powers of Attorney and appoints:

T. K. Ball, Reg. No. 42,287; S. Christopher Bauer, Reg. No. 42,305; George R. Beck, Reg. No. 21,180; Dennis A. Bennett, Reg. No. 34,547; Jon H. Beusen, Reg. No. 30,610; Gary M. Bond, Reg. No. 29,283; Grace L. Bonner, Reg. No. 32,963; Alan E. Dow, Reg. No. 35,123; Dennis R. Hoerner, Jr., Reg. No. 30,914; J. Timothy Keane, Reg. No. 27,808; Thomas E. Kelley, Reg. No. 29,938; Robert M. Kennedy, Reg. No. 28,026; Cynthia S. Kovacevic, Reg. No. 35,578; Lawrence M. Lavin, Jr., Reg. No. 30,768; Thomas P. McBride, Reg. No. 32,706; Scott J. Meyer, Reg. No. 25,275; Michael J. Roth, Reg. No. 29,342; Donna E. Scherer, Reg. No. 34,719; Alan L. Scrivner, Reg. No. 43,104; Brian K. Stierwalt, Reg. No. 33,213; and Roger A. Williams, Reg. No. 27,679; each an attorney or patent agent with MONSANTO COMPANY, so long as they remain with such company,

HOWREY SIMON ARNOLD & WHITE, LLP

and

John F. Lynch, Reg. No. 22,504; J. Paul Williamson, Reg. No. 29,600; John D. Norris, Reg. No. 28,246; Patricia A. Kammerer, Reg. No. 29,775; Stephen H. Cagle, Reg. No. 26,445; Melinda L. Patterson, Reg. No. 33,062; Susan K. Knoll, Reg. No. 33,254; L. Gene Spears, Reg. No. 35,369; Janelle D. Waack, Reg. No. 36,300; Michael E. Lee, Reg. No. 38,949; Ira D. Finkelstein, Reg. No. 44,680; Carter J. White, Reg. No. 41,374, Darrell Dotson, Reg. No. 44,661; Connie Flores-Jones, Reg. No. 41,755; Matthew Madsen, Reg. No. 45,594; and Todd Rands, Reg. No. 46,249 each an attorney or patent agent with the law firm of HOWREY SIMON ARNOLD & WHITE, LLP, as its attorney so long as they remain with such law firm,

with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

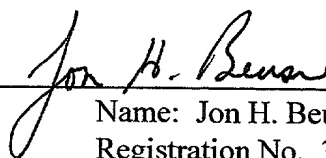
Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to **MONSANTO COMPANY** referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Pursuant to MPEP § 324(2), the undersigned avers that he is empowered to sign this statement on behalf of assignee.

ASSIGNEE: MONSANTO COMPANY

Date: Oct 4, 2000

By: _____



Name: Jon H. Beusen

Registration No. 30,610

Title: Intellectual Property Counsel

Jon H. Beusen
Intellectual Property Counsel
Authorized to sign this document for
Pharmacia Corporation (formerly Monsanto Company)
by resolution dated February 25, 2000
of the Board of Directors